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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,119	01/11/2002	Timothy R. Fitch	283_346.02	8122
20874	7590	03/30/2004	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			ALPHONSE, FRITZ	
		ART UNIT	PAPER NUMBER	10
DATE MAILED: 03/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/044,119	FITCH ET AL.
	Examiner Fritz Alphonse	Art Unit 2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 January 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6, 8, 9
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 14, 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Valliani (U.S. Pat. No. 6,234,389).

As to claim 1, Valliani (fig. 1-6) shows a portable transaction terminal (portable computing device 10) for processing POS transactions (see abstract), said terminal comprising a housing having a base, a top, and an enlarged head portion extending forwardly from said base to define a lip (note in figures 2-6 the different parts forming the device); a touch screen (340) disposed in said head portion comprising display and a touch sensitive overly (see col. 7, lines 30-38), said terminal (10) having a mode of operation in which said touch screen displays a virtual keyboard (note in figure 7 the virtual pinpad or keyboard 370) for accommodation of data entry into side keypad. Valliani (fig. 3) shows an insert style reader unit (module 200) comprising at least one of a mag stripe (magnetic stripe reader 210) and smart card reader (230), wherein said reader unit is disposed in said lip, said reader unit having a feed slot (290) opening toward a front of said housing (col. 4, lines 4-61).

As to claims 2, 17 and 19, Valliani (fig. 6) shows a transaction terminal including a mode in which said touch screen (340) is adapted for signature capture.

As to claim 3, Valliani (fig. 6) shows a transaction terminal, wherein said base comprises a detachable riser (note figs. 2-6 module 200 is detachable from module 10).

As to claim 4, Valliani (fig. 5) shows a transaction terminal, wherein said housing (200) further comprises an integrated fingerprint scanner unit (320).

As to claims 5-6, Valliani (fig. 6) shows a transaction terminal, wherein said reader unit (200) is a hybrid mag stripe (290) and smart card unit (230), and wherein said reader unit is disposed.

As to claims 7 and 20, Valliani (fig. 6) shows a transaction terminal further comprising an RF communication interface for enabling communication with a nonintegrated computer system (col. 4, lines 14-22).

As to claim 14, Valliani (figs. 1-6) shows a transaction terminal comprising: a housing having a top, a front, a back end, and a base having a base plane defined by a bottom of said base (note in figures 2-6 the different parts forming the device); a control circuit encapsulated by said housing (see figure 1, module 10); a touch screen (340) in communication with said control circuit at least partially defining a top of said housing (col. 4, lines 3-21), wherein said touch screen defines a touch screen plane (340) angled downwardly from said back end to said front with respect to said base plane (see figure 6). Valliani discloses a card reader unit (220) disposed in said housing having an insert-style feed slot (290) for receiving a card (230), wherein said feed slot opens toward said front of said housing (col. 4, lines 4-61).

As to claim 18, the claim has substantially the limitations of claim 1, therefore it is analyzed as previously discussed in claim 1 above.

As to claim 21, Valliani discloses a terminal, wherein said terminal includes a secure information entry circuit including a program having an encryption routine (see col. 6, lines 30-63).

As to claim 22, Valliani (fig. 1) teaches about a control circuit in a communication with a secure IC chip comprising a volatile memory (30), wherein said terminal further includes a battery (110) for powering said secure IC chip, wherein said terminal is adapted so that said battery is disconnected from said secure IC chip if said upper section (200) is removed from said lower section (10).

As to claim 23, Valliani (fig. 2) shows a terminal, wherein said housing includes a forwardly extending lip (270) and wherein said reader unit (290) is disposed in said lip.

As to claim 24, Valliani (figs. 1-6) shows a terminal, wherein said housing (200) includes an imaging assembly aperture further (50) comprises an optical reader unit comprising an imaging assembly, wherein said imaging assembly is incorporated in said housing in such manner that light received by said assembly passes through said imaging assembly aperture (col. 4, lines 4-21).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valliani in view of Kaplan (U.S. Pat. No. 4,902,079).

As to claim 8, Valliani (fig. 1-6) shows a portable transaction terminal (portable computing device 10) for processing point-of-sale transactions (see abstract), said transaction terminal comprises a housing having a front, a top, and a base adapted for resting said terminal on a counter top, said base having a base plane defined by a bottom of said base (note in figures 2-6 the different parts forming the device); a touch screen (340) integrated in said top of said housing, said touch screen (340) being disposed in a touch screen plane (see col. 7, lines 30-38). Valliani (fig. 3) shows a hybrid mag stripe and smart card insert style reader unit (magnetic stripe reader 210) disposed in said housing (module 200), said reader unit having a feed slot opening (290) toward said front of said housing, said feed slot disposed in a feed slot plane (col. 4, lines 4-61).

Villiani does not explicitly teach about “the base plane, feed slot plane, and touch screen plane are all substantially coplanar”.

However, in the same field of endeavor, Kaplan (fig. 1) shows a desk mounted data collection terminal wherein the base, feed slot and touch screen plane are all substantially coplanar.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the design of Valliani’s device so that the base, feed slot and touch screen plane are all substantially coplanar, as disclosed by Kaplan. Doing so would provide a Data Collection Terminal, which is readily converted from a desk mounted to a wall-mounted terminal.

As to claim 9, Valliani (figs. 2-6) shows a transaction terminal, wherein said housing further comprises a head portion extending forwardly from said base to define a lip, wherein said reader unit is disposed in said lip (note in figures 2-6 the different parts forming the device); a touch screen (340).

As to claim 10, Valliani (fig. 6) shows a transaction terminal, further comprising a detachable stylus (360). It is inherent the stylus holder is detachably attachable on said housing.

As to claims 11-12, Valliani does not teach about that said feed slot plane is at a slight downward angle from a back of said housing to said front, with respect to a horizontal plane, and wherein touch screen is disposed so that said touch screen plane is also at a slight downward angle from said back to front. However, this limitation is clearly disclosed by Kaplan (fig. 1). See the motivation above.

As to claim 13, Valliani (figs. 2-6) shows a transaction terminal, wherein the transaction terminal further comprising a detachable riser (note figs. 2-6 module 200 is detachable from module 10).

As to claims 15-16, Valliani does not teach that said feed slot plane is disposed angularly downwardly from said back end to said front, and wherein said feed slot plane is disposed angularly downwardly from said back end to said front. However, this limitation is disclosed by Kaplan (fig. 1B). See the motivation above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stark (U.S. Pat. No. 4,775,784) discloses a credit card imprinter authorization terminal.

Okaya et al. (U.S. Pat. No. 5,625,534) discloses a portable computer having a data card reader apparatus.

Uugustine (U.S. Pat. No. 6,555,683) discloses a hand held portable with multiple functions.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


F. Alphonse

Art Unit: 2675

March 6, 2003



STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600